

1AP13 Rec'd PCT/PTO 16 JAN 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Crabtree et al.
FOR : FRACTURING OF SUBTERRANEAN
FORMATIONS
SERIAL NO. : 10/574,359
INTERNATIONAL FILING DATE : 09/23/2004
EXAMINER : Unknown
ART UNIT : Unknown
CONFIRMATION NO. : 5854
ATTORNEY DOCKET NO. : APLE 2 00009

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371 IN THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)

MAIL STOP PCT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450
Attn.: RO/US

Dear Sir:

Responsive to the Notification of Missing Requirements (copy attached hereto)
mailed November 17, 2006, Applicant(s) submit(s) an executed Declaration and Power
of Attorney.

The \$65.00 fee in payment of the surcharge required for filing the Declaration
later than the filing date of the application is authorized to be charged to a credit card.

01/18/2007 ATRAN1 00000112 10574359

01 FC:2617

65.00 0P

The appropriate form PTO-2038 is enclosed for this purpose. If the credit card is unable to be charged, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308. If there are any additional fees required by this communication, please charge same to Deposit Account No. 06-0308.

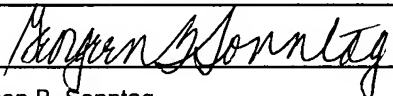
Respectfully submitted,

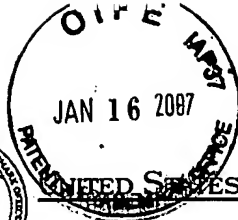
FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP



Scott A. McCollister, Reg. No. 33,961
1100 Superior Avenue
Seventh Floor
Cleveland, OH 44114-2579
216-861-5582

1/9/07
Date

| Certificate of Mailing or Transmission | |
|---|---|
| I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being | |
| <input checked="" type="checkbox"/> deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below. | |
| <input type="checkbox"/> transmitted to the USPTO by facsimile in accordance with 37 CFR 1.18 on the date indicated below. | |
| Express Mail Label No.: | Signature:  |
| Date: <u>1/9/07</u> | Name: Georgeen B. Sonntag |



UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED Page 1 of 2

NOV 21 2006

244

FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLPUNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| | | |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/574,359 | Michael John Crabtree | APLE 2 00009 |

INTERNATIONAL APPLICATION NO.

PCT/GB04/04049

I.A. FILING DATE

09/23/2004

PRIORITY DATE

10/02/2003

Scott A. McCollister
Fay, Sharpe, Fagan, Minnich & McKee
1100 Superior Avenue
Seventh Floor
Cleveland, OH 44114-2579

CONFIRMATION NO. 5854

371 FORMALITIES LETTER



OC000000021262064

Date Mailed: 11/17/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 03/31/2006
- Copy of the International Search Report filed on 03/31/2006
- Preliminary Amendments filed on 03/31/2006
- U.S. Basic National Fees filed on 03/31/2006
- Priority Documents filed on 03/31/2006
- Specification filed on 03/31/2006
- Claims filed on 03/31/2006
- Abstracts filed on 03/31/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

DOCKETEDEmailed to: SMC
On: 12/7/06 By: Ben J.

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

VIRGINIA L IRBY

Telephone: (709) 308-9140 EXT 229

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/574,359 | PCT/GB04/04049 | APLE 2 00009 |